

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

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|------------------------------|---|--------------------------------------|
| CTP INNOVATIONS, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 3:13-cv-0583 |
| v. |) | |
| |) | Judge Haynes |
| MPI LABEL SYSTEMS, |) | |
| |) | JURY TRIAL DEMANDED |
| Defendant. |) | |

MOTION TO REOPEN CASE

Pursuant to this Court’s Order [Doc. No. 18], Plaintiff CTP Innovations, LLC (“Plaintiff”) respectfully moves the Court to reopen the present case. On August 8, 2013, the Court granted the parties’ Motion to Stay Case Pending Determination of Inter Partes Review Proceedings and administratively closed the case pending a motion to reopen the case upon determination by the United States Patent and Trademark Office’s Patent Trial and Appeal Board (“PTAB”) in the *inter partes* review proceedings captioned *Printing Industries of America v. CTP Innovations, LLC*, Case IPR2013-00489, and *Printing Industries of America v. CTP Innovations, LLC*, Case IPR2013-00474.

On December 30 and 31, 2013, respectively, the PTAB found that Printing Industries of America, the petitioner in the *inter partes* review proceedings, did not demonstrate that there was a reasonable likelihood that the petitioner would prevail with respect to invalidating at least one of the claims in either U.S. Patents No. 6,611,349 or 6,738,155. Accordingly, PTAB denied Printing Industries of America’s petitions to institute *inter partes* review in both proceedings. True and correct copies of PTAB’s “DECISION Denying Petition to Institute *Inter Partes* Review” for each proceeding are attached hereto as Exhibits 1 and 2, respectively. Under 35

U.S.C. § 314(d), “[t]he determination by the Director whether to institute an inter partes review under this section shall be final and nonappealable.” Thus, the PTAB has concluded the proceedings cited in the Joint Motion to Stay Case Pending Determination of *Inter Partes* Review Proceedings [Doc. No. 16].

WHEREFORE, Plaintiff respectfully requests that the stay granted by the Court in its Order administratively closing this case [Doc. No. 18] be lifted and a case management conference scheduled at the Court’s earliest convenience. Plaintiff further requests that its Motion to Consolidate for Pretrial Purposes [Doc. No. 20] be deemed to have been filed on the date that the stay is lifted and the case reopened.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

s/ Samuel F. Miller

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Attorneys for CTP Innovations, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January 2014, a copy of the foregoing electronically filed document was served upon all counsel of record via the Court's notice of electronic filing system and/or via first class mail, postage prepaid.

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